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# Waste firm seeking OK to keep working

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**PERTH AMBOY** — Attorneys for Duane Marine Corp. are expected to appear in Superior Court in New Brunswick this week to seek a show cause order against the state Department of Environmental Protection on why the chemical dump should not be permitted to continue chemical waste operations.

The move by the firm's attorneys, Frank Journick and Marvin Brauth, is in response to a cease and desist order brought by the state Attorney General's office last week in which Duane Marine was directed to immediately halt its storage and processing of special chemical wastes.

Journick said yesterday that he expected to appear before Superior Court Judge C. John Stroumtsos on Thursday to seek the show cause order. In the meantime, Journick claims Duane Marine Corp. will continue normal operations, despite the order to stop storage and processing procedures immediately.

"We believe the action taken by the DEP and the Attorney General's office is arbitrary," Journick said. "It's without foundation. We have made every attempt to reduce the number of barrels to meet our agreement with the DEP, but we've been hampered by a number of things and it will require more time. It seems the DEP hits us with a new set of rules almost daily."

The DEP and the Duane Marine Corp. reached a court agreement earlier this year that required the chemical waste

firm to reduce the number of barrels of special waste at its Washington Street site from 8,000 to 3,000 barrels. The company also agreed to remove all special waste barrels from within 50-feet of the Raritan River.

Under the terms of that agreement, Duane Marine had until Oct. 15 to reach the 3,000-barrel limit. However, the DEP granted the firm an additional 45 days to complete the work. On Nov. 14, the DEP notified Duane Marine officials that they had 14 days to finish the barrel removal.

On Nov. 28, the DEP claimed the company was in violation of the court agreement and asked the state attorney general's office to issue the cease and desist order.

Dennis Krumholz, deputy attorney general from the civil division of the attorney general's office, said yesterday that he will also seek a restraining order against Duane Marine later this week and a show cause order against the firm as to why the company should not be restrained from continuing its special waste storage and processing.

Both sides in the dispute are expected to make their motions during the same hearing later this week.

"We have been informed by Duane Marine's attorney that the firm will remain open despite the cease and desist order. The firm has made no real attempt to complete the barrel removal and the site does pose a serious environmental problem," Krumholz said.

Journick, however, said the firm's ability to remove the specified number of bar-

rels was hampered by an August raid on the firm's offices by the state police and the attorney general's office. Journick claimed the records and operating paperwork were removed and as yet have not been returned.

"Our efforts to remove the barrels have been seriously hampered by the removal of our records," Journick explained. "There is also a problem of just where we can take all this material. Not every dump site is willing to accept it. Sometimes we have to take the waste as far as Maryland to dispose of it. It's just not a simple thing to do."

Journick said he will also ask the court to extend the deadline by which the company must remove the barrels and ask that the firm be permitted to put its buildings and property up as collateral in lieu of a DEP-imposed \$50,000 performance bond.

"The \$50,000 performance bond poses a real financial problem at this time," Journick said. "The buildings and property are worth more than \$250,000 and we will ask the court to accept that as a substitute." He also claimed the firm was being "picked on" by the DEP.

Krumholz claimed Duane Marine "has made no real progress" despite the DEP's 45-day extension granted back in October. He said the DEP has been "fair" and "patient" in dealing with the waste firm.

"They haven't met the terms of the agreement and that's what we are pursuing," Krumholz said last week. "It's simply untrue that we're trying to harass Duane Marine."